

**INTHE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

CLIFFORD COLLIER,)	
)	
)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO. 5:12-CV-380(MTT)
)	
SHEILA OUBRE, Warden,)	
)	
)	
Respondent.)	
)	

ORDER

Before the Court is Magistrate Judge Charles H. Weigle's Recommendation to grant the Respondent's Motion to Dismiss and to dismiss the Petitioner's petition for habeas corpus relief. (Doc. 14). The Magistrate Judge recommends dismissing the petition because the Petitioner failed to file his §2254 petition within the one-year period of limitations and because he has failed to present any evidence that he is entitled to equitable tolling. (Doc. 14 at 1). Further, the Magistrate Judge recommends that the Court deny the Petitioner a certificate of appealability because he has not made a substantial showing of the denial of a constitutional right. (Doc. 14 at 5). See *also* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000) (explaining how to satisfy this showing). The Petitioner has not objected to the Recommendation.

The Court has reviewed the Petitioner's petition and the Recommendation, and the Court accepts and adopts the findings, conclusions and recommendation of the Magistrate Judge. The Recommendation is adopted and made the order of this Court.

Accordingly, the Respondent's Motion to Dismiss (Doc. 9) is **GRANTED**, and the Petitioner's § 2254 petition is **DISMISSED**. Further, a certificate of appealability is **DENIED**.

SO ORDERED, this 17th day of June, 2013.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT